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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,727	12/08/2000	Kenneth F. Carpenter	UV-177	2492
<div>75563      7590      01/09/2008</div> <div>ROPES &amp; GRAY LLP</div> <div>PATENT DOCKETING 39/361</div> <div>1211 AVENUE OF THE AMERICAS</div> <div>NEW YORK, NY 10036-8704</div>				
<div>EXAMINER</div> <div>KOENIG, ANDREW Y</div>				
<div>ART UNIT      PAPER NUMBER</div> <div>2623</div>				
<div>MAIL DATE      DELIVERY MODE</div> <div>01/09/2008      PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/733,727

Applicant(s)

CARPENTER ET AL.

Examiner

Andrew Y. Koenig

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 55,57,58,60,61 and 63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 55,57,58,60,61 and 63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/20/07, 10/5/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 55, 57, 58, 60, 61, and 63 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 55, 57, 58, 60, 61, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al (USPN 6,005,565), in view of England (USPN 6,144,991).

As to claim 55, note the Legall et al reference which discloses a method for providing a history feature in an interactive television program guide (see col. 2, lines 26-37 and Fig. 3B), where the user can access previously accessed and stored web pages, and can access a variety of external or internal resources including third party databases (also see col. 1, lines 37-43). The claimed wherein the interactive program guide is implemented at least in part on user television equipment is met by an electronic program guide (EPG) that may be generated on the display 322 (Fig. 3A), which may be part of a television and/or processing device 326 and supports the use of various applications including a search engine 306 (see Figs. 1, 3A and 3B; col. 3, lines

11-27, and also see col. 2, lines 7-25). The claimed displaying an interactive television program guide comprising a plurality of resources including at least a program guide display having data from a program guide database and the Internet is met by Fig. 3A, where display 322 includes an EPG 320 as well as a browser/HTML window 324 (see col. 3, lines 11-24), and by Fig. 3B, which shows the display of an EPG and further includes a list of resources 341 including a EPG database and the Internet or WEB (col. 3, lines 28-40). The claimed receiving a first indication to access the program guide display having data from the program guide database is met by col. 1, lines 37-41, where via the EPG, broadcasts can be selected and displayed on the display and the user can access broadcast information. The claimed receiving a second indication to access the web site from the Internet is met by col. 1, lines 37-43, where the user can display available Web sites and access Internet information on a search topic. The claimed receiving a third indication to access a resource other than the accessed program guide display or the accessed web site is met by col. 2, lines 35-37, where Legall states that, "It is readily apparent that the system is not limited to Internet access and can access a variety of external or internal resources including third party databases (also see col. 2, line 64 – col. 3, line 4). The claimed in response to receiving a fourth indication, providing a history list of the plurality of resources that includes (i) the program guide display having data from the program guide database, wherein the program guide display having data from the program guide database is included in the history list because it was accessed in response to the first indication by a user using the user television equipment, (ii) the web site from the Internet, wherein

the web site from the Internet is included in the history list because it was accessed in response to the second indication by a user using the user television equipment, and (iii) the resource other than the access program guide display or the access web site, wherein the resource other than the accessed program guide display or the accessed web site is included in the history list because it was accessed in response to the third indication by a user using the user television equipment is met in part by the Legall reference which discloses a "history" type feature where a "Recent" selection is available (as shown on the right side of the display shown in Fig. 3B), and the user can access previously accessed and stored web pages, in addition the system is not limited to Internet access and can access a variety of external or internal resources including third party databases (col. 2, lines 26-37). Legall also teaches that the user can go forward or back across multiple resources or web sites in the HTML window (note the forward or back buttons as shown in Figs. 2 or 3B in order to display previously accessed resources, also see col. 2, lines 26-37 and col. 4, lines 45-48). In addition, Legall discloses including a listing of previously used topics (col. 3, lines 31-33).

Legall does not explicitly disclose providing a history list to a user and more specifically the claimed "allowing a user to select in any order any resource from the history list; and in response to the user selecting a resource, providing the resource.

In analogous art, Schneidewend teaches a history list displaying previously selected favorites using resources from the program guide database, Internet, and local server (see fig. 3, col. 4-5, ll. 53-1), wherein the list may be user selected or dynamically generated (col. 7, ll. 49-62, col. 5-6, ll. 63-6). Furthermore, Schneidewend teaches

allowing a user to select in any order any resource from the list (col. 5, ll. 2-8), and in response to the selection, providing the resource (col. 6-7, ll. 47-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method for providing a history feature in an integrated interactive television program guide, Internet and other information resources system of Legall with the additional features of providing a history list of the previous resources accessed by the user for the advantage of allowing a user to quickly access in any order previously viewed resources through a organized history list.

As to claim 57, the claimed "receiving the first and second indications comprises receiving the indications from a supported application" is met by receiving the indications from the power search application of Legall as shown in Fig. 3B and as described in col. 2, lines 60-66), and the claimed "or a user input device" is met by user input device 115 as described in col. 2, lines 26-28 and 64-66 of Legall.

As to claims 58 and 60, the claims are rejected based on similar grounds as the rejection of claims 55 and 57 respectively.

As to claims 61 and 63, the claims are rejected based on similar grounds as the rejection of claims 55 and 57 respectively.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Y Koenig  
Primary Examiner  
Art Unit 2623

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